

Gov. Doc
Can
Com
H

Canada - Human Rights and
Fundamental Freedoms, Special Joint
Committee on, 1947/48
SESSION 1947-48

Government
Publications



CA1 XYZ
-47 H76

SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

ON

HUMAN RIGHTS

AND

FUNDAMENTAL FREEDOMS

MINUTES OF PROCEEDINGS AND EVIDENCE

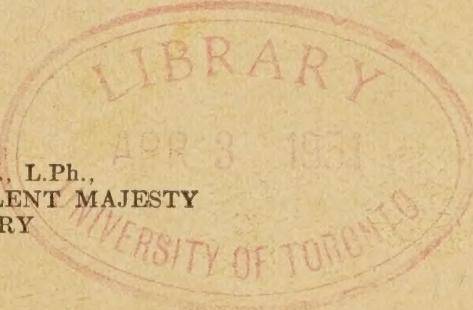
No. 2

TUESDAY, MAY 4, 1948

WITNESSES:

- R. G. Riddell, Esq., Chief, United Nations Division, Department of External Affairs, Ottawa;
- E. R. Hopkins, Esq., Legal Adviser, Department of External Affairs Ottawa.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948



MINUTES OF PROCEEDINGS

TUESDAY, 4th May, 1948.

The Special Joint Committee on Human Rights and Fundamental Freedoms met at 4.00 o'clock p.m. The Joint Chairman, Right Honourable J. L. Ilsley and Honourable Senator L. M. Gouin were present. Mr. Ilsley presided.

Also present:

The Senate: Honourable Senators Bouffard, Burchill, Crerar, Turgeon, Wilson.

The House of Commons: Messrs, Beaudoin, Breithaupt, Hackett, Hansell, Hazen, LaCroix, Marier, Marquis, Massey, Michaud, Miller, Rinfret, Stewart (*Winnipeg-North*), Whitman, Zaplitny.

Copies of the following were distributed:

- (a) "To Secure These Rights", the report of the President's Committee on Civil Rights, Washington, U.S.A., 1947.
- (b) "The International Bill of the Rights of Man", by H. Lauterpacht, M.A., etc., University of Cambridge.

The Chairman suggested that the Committee proceed with the hearing of witnesses and defer consideration of the Steering Committee's report relative to procedure until later in the meeting. This was concurred in.

Mr. R. G. Riddell, Chief, United Nations Division, Department of External Affairs, Ottawa, was called. He made a statement summarizing recent documentation and other activities of the Commission on Human Rights, United Nations, and was question thereon.

Mr. E. R. Hopkins, Legal Adviser, Department of External Affairs, Ottawa, was called. He made a statement relative to the international implications of the proposed Draft International Declaration on Human Rights, and was questioned thereon.

The witnesses retired.

The First Report of the Steering Committee was read, viz:—

WEDNESDAY, 28th April, 1948.

Your Steering Committee having considered future procedure, recommends the following as a preliminary step in the work of the Committee:

1. That the order of Reference to the Committee be divided into the following three headings for consideration by the Committee:

- (a) To consider the question of human rights and fundamental freedoms, and the manner in which these obligations accepted by all members of the United Nations may best be implemented;

And, in particular, in the light of the provisions contained in the Charter of the United Nations, and the establishment by the Economic and Social Council thereof of a Commission on Human Rights;

- (b) What is the legal and constitutional situation in Canada with respect to such rights;

(c) And, what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for the observance of human rights and fundamental freedoms; and that they may be considered in the order (a), (c) and (b).

2. That with respect to heading (a) the Committee give immediate consideration to the Draft International Declaration on Human Rights forwarded to the Government by the Secretary-General of United Nations with a view to recommending whether Canada should subscribe to such a declaration and, if so, whether in the form submitted or in some other form.

3. That consideration be given to the Draft International Covenant on Human Rights and the Suggestions for Implementation forwarded to the Government by the Secretary-General of United Nations, but that such consideration be deferred at least until it is known what disposition is to be made of these documents this year by United Nations and, if possible, until headings (b) and (c) have been considered by the Committee.

4. That officers of the appropriate agency of United Nations and of the Department of External Affairs be called to advise the Committee as to the significance and effect of the Declaration, Covenant and Implementation provisions and as to the proposed disposition of these documents by United Nations.

With reference to the hearing of Mr. J. P. Humphrey, Secretary, Commission on Human Rights, it is learned that his duties will not permit him to come to Ottawa at this time. This question will be reviewed at a later date.

It is recommended that the Committee now proceed with the hearing of Mr. R. G. Riddell, First Political Division, and Mr. E. R. Hopkins, Legal Division, Department of External Affairs, in relation to paragraph 4.

Your Committee also took note of the following:

- (a) Consideration of communications received from deans of law schools and provincial attorneys-General in reply to the following questions submitted to them by last year's Committee, namely, "The power of the Parliament of Canada to enact a comprehensive Bill of Rights."
- (b) The hearing of representations from interested organizations.
- (c) Senator Roebuck's suggestion, namely, that the Steering Committee take under consideration the question of inviting the provinces to co-operate in the procedure by which a bill or declaration of rights may be attained.

It was agreed that a decision on these questions should be deferred for the time being.

It was also agreed that subsequent procedure be reviewed from time to time by the Steering Committee as the work of the Committee progresses.

On motion of the Senator Turgeon, the said report was concurred in.

It was ordered that copies of the following United Nations documents relating to the Commission on Human Rights be obtained and distributed to members:

- (i) Economic and Social Council, E/CN. 4/82, 16 April, 1948
- (ii) Economic and Social Council, E/CN. 4/82 Rev. 1, 22nd April 1948.
- (iii) Economic and Social Council E/CN. 4/82/Add. 1, 16th April, 1948.
- (iv) Economic and Social Council, E/CN. 4/82/Add. 2, 22nd April, 1948.

On motion of Mr. Hackett,

Resolved,—That at its next meeting the Committee consider and discuss, article-by-article, the “Draft International Declaration on Human Rights”.

Mr. Hackett suggested that a list of papers and documents filed with the Committee be prepared and distributed to members. The Chairman directed accordingly.

The Committee adjourned at 5.40 o'clock p.m., to meet again at 4.00 o'clock p.m. Tuesday, 11th May.

J. G. DUBROY,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 4, 1948.

The Special Joint Committee on Human Rights and Fundamental Freedoms met this day at 4 p.m. The Right Hon. Mr. J. L. Ilsley (Joint Chairman) presided.

The CHAIRMAN: The committee will please come to order.

The steering committee met and will make a report at this meeting. Mr. Hopkins of the Department of External Affairs is over here and he has to return to New York tonight, and as it was suggested that he and Mr. Riddell from the External Affairs Department should be called as witnesses at this meeting, I think it would be well if we started and heard them first, and then we can discuss the report of the steering committee after that. There may be some discussion on the report of the steering committee. If that course of procedure commends itself to the committee, I will ask Mr. Hopkins to make a statement to the committee now; but I do not want to take that course if anyone has any objections.

Some Hon. MEMBERS: Agreed.

Mr. HOPKINS: Well, Mr. Chairman, it might be helpful if Mr. Riddell said some few words with regard to back ground by way of introduction.

The CHAIRMAN: Yes. First then we will ask Mr. Riddell to address the committee.

R. G. Riddell, Chief of United Nations Division, Department of External Affairs, called:

By the Chairman:

Q. In the first place, Mr. Riddell, what is your position with the Department of External Affairs?—A. Mr. Chairman, I am Chief of the United Nations Division of the Department of External Affairs.

Q. Yes. I think the committee would like to hear from you something about the present status of the International Bill of Rights, so called.

Mr. RIDDELL: Mr. Chairman, I think perhaps at this stage I shall as you suggest confine my remarks to a very brief summary of the process of preparation of the document which I think is now in the hands of honourable senators and members. That is the document to which the United Nations Economic and Social Council have given the number E-600, entitled "the report of the commission on human rights, second session, Geneva, December 2, to December 17." This document, which contains a draft bill on human rights, has now been referred to members of the United Nations for their consideration. I will say a word in a moment about the character of this document. I might first briefly inform you of the process by which it has been prepared.

As honourable senators and members who attended the committee on this subject a year ago will recall, the charter of the United Nations contains certain general statements of obligation in regard to human rights, obligations which are accepted in these general terms by the members of the United Nations signing the charter. In order that those obligations might be made more specific, the Economic and Social Council of the United Nations established a

commission on human rights the chief function of which was to prepare a document for consideration by member states, embodying a conception of human rights that might be adopted by member states. This commission on human rights consisted of eighteen member states of the United Nations. It met for the first time on January 27, 1947, and held at that meeting a number of preparatory discussions. The actual work of drafting a document containing ideas on human rights was referred to a drafting committee of the United Nations commission on human rights which met in June of 1947. This drafting committee consisted of representatives of the following states; the Philippines, the Ukrainian Soviet Socialist Republic, the Soviet Union, the United Kingdom, the United States, Uruguay and Yugoslavia.

This Committee proceeded to prepare a draft document which was referred again to the Human Rights Commission in December last. The Human Rights Commission met from December 2, to December 17, and went over the draft document and revised it. At that stage the document was referred to member governments of the United Nations, and that is the document which is now in the hands of honourable senators and members. It was received by the Canadian government in a letter from the Secretary General of the United Nations, dated January 9, with the request for comments by the Canadian government; the comments to be taken into consideration along with the comments of other governments in subsequent stages of the preparation of the document.

I might briefly indicate the remaining stages the document will now go through. Some comments have been made by a number of governments and sent in to the Secretary General of the United Nations. Those comments are now in the hands of the original drafting committee which is meeting at the present time at Lake Success and revising this document. The revised document will be considered by the Commission on Human Rights on May 20. The document will then be referred to the Economic and Social Council which meets at Geneva on July 19; and subsequently to the General Assembly of the United States when it meets again in Paris on September 21. At that time a decision will be taken as to the method by which the document will be given further consideration, either for adoption or for further review by members of the United Nations.

As I said, the document was received by the government of Canada on January 9, in a letter from the Secretary General of the United Nations with a request for comments to be received in New York by the 3rd of April. As honourable senators and members will recall from the statement made by the Minister of Justice in the House of Commons, the Secretary of State for External Affairs signed an interim reply to the Secretary General dated April 1, 1948, the text of which has been printed in hansard, and which says in effect that the government of Canada wishes the benefit of the advice of parliament before expressing its views finally on this document. Further opportunities for comment will be provided for Canada at the Economic and Social Council which meets in Geneva in July. Canada is a member of the Economic and Social Council and the Canadian representative on the Economic and Social Council will have the revised document in his hands at that stage; there will also be an opportunity for comments when the document is referred to the general assembly at its meeting in Paris in September. This document, therefore, will be subjected to a considerable process of revision from now on. There is the hope and I think the hope is somewhat optimistic, that the document might reach something approaching a final form by the time the general assembly meets in September. As I say, my own personal view is that the process of revision will be a rather longer one than originally had been suggested.

As to the document itself, this report of the Commission on Human Rights contains the draft international bill on human rights. That draft international

bill on human rights is itself subdivided into three parts. The first part is a draft international declaration on human rights. The second part is a draft international covenant on human rights and the distinction between a declaration and a covenant is a matter which I think perhaps Mr. Hopkins could discuss with you more properly than I. The third part of the document contains a number of suggestions for the implementation of the declaration and the draft covenant once those documents have been adopted in any form.

I think, Mr. Chairman, unless there are some specific questions that this brief survey of the procedure by which the document has been prepared and of the further procedure to which it will be subjected might perhaps suffice as an introduction to what Mr. Hopkins has to say at this stage.

The CHAIRMAN: Mr. Riddell will be available at future meetings of the committee and the rest of the day, so perhaps any questions which you may have in mind to address to Mr. Riddell could be deferred until after Mr. Hopkins makes his statement, because he (Mr. Hopkins) has to go away tonight.

Mr. Hopkins, what is your position in the Department of External Affairs?

E. R. Hopkins, Legal Adviser, Department of External Affairs, called:

The WITNESS: I am legal adviser to the department.

The CHAIRMAN: Well, Mr. Hopkins, will you give this committee such assistance as you can?

The WITNESS: Well, Mr. Chairman, I have been elsewhere engaged during the last few weeks and I have not had the opportunity of going into this matter or giving it the undivided attention which its importance warrants; but I am sure that both Mr. Riddell and myself personally are only too glad to give the committee whatever assistance lies within our power.

If I may have the permission of the chair, I would suggest that I might read some preliminary observations which I have jotted down; and I would welcome, if that is allowed, interruptions or interventions at any time by any member of the committee who may wish elaboration or illumination on what I may have said. Is that procedure acceptable?

The CHAIRMAN: Yes, that is all right.

The WITNESS: Mr. Chairman, dealing with the present draft of the International Bill of Rights I would not wish to leave the impression that I am in any sense expressing official views; indeed, it is not my understanding that firm official views have yet been formulated.

Canada is not represented on the Human Rights Commission, nor have Canadian comments, as I understand it, yet been made on the working papers now before this committee. I think it is perhaps wise to point out that these are working papers, and I think that is the most apt description which could be given to them. They are working papers which have yet to receive any formal seal of approval by the United Nations. This being so, the present working papers I suggest may be examined entirely on their merits; and in the most of what I may say I will be expressing my personal views for what they may be worth, except perhaps in respect to certain international legal aspects of the various documents.

The present papers have been prepared by the Human Rights Commission of the Economic and Social Council in an effort to eliminate the relevant provisions of the charter of the United Nations, all of which provisions I think have been drawn to the attention of this committee or its predecessor of last year. The principal of these provisions in the charter I take to be Article 55 (c) of the charter, and section 62 (2) and (3) of the charter. Perhaps I might

read those, Mr. Chairman. There are rather important provisions in the charter, but I think in the light of these particular documents that these are the most germane. Article 55 (c) reads as follows:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote—

And it is a most important word, "promote"—

shall promote, (c) universal respect for and observance of human rights and fundamental freedoms without distinction as to race, sex, language or religion.

Article 62 (2) and (3) of the charter states:

It (that is the Economic and Social Council) may make recommendations—may make recommendations for the purpose of promoting respect for and observance of human rights and fundamental freedoms for all.

(3) It (that is also the Economic and Social Council) may prepare draft conventions for submission to the general assembly with respect to matters falling within its competence.

It seems to me that it is under the provisions of these or other articles of the charter, that the present working papers now appear before this committee.

The CHAIRMAN: Is there something about promoting international co-operation?

The WITNESS: Yes, there are provisions.

The CHAIRMAN: But you do not quote them?

The WITNESS: I haven't quoted them here. I believe all the related provisions, Mr. Chairman, are already included in the proceedings.

The CHAIRMAN: Yes.

The WITNESS: It is evident that these provisions of the charter are general in character, and that they require further definition before the question of "promotion" can properly arise. This being so, the efforts thus far expended by the Human Rights Commission, and in particular by its distinguished chairman, Mrs. Eleanor Roosevelt, should be welcomed. The commission has produced these working papers upon which attention may be focused by members of the United Nations and which may provide a basis for further discussion in the appropriate organs of the United Nations.

As Mr. Riddell has predicted, there will probably occur the problem of definition.

If anyone would like to interrupt me at any time, I would be very happy.

The problem of definition is far from easy. "Human rights and fundamental freedoms" are concepts which derive from political or moral philosophy. Different meanings may in good faith be attached to the expression by persons of differing philosophical understanding. The problem is not simplified by the fact that the world is not yet united by a single understanding, let alone by a single code, of political or moral philosophy.

In practical terms it would seem to be the task of the Human Rights Commission, and ultimately of the United Nations, to develop a formula for the definition and then a plan for the "promotion of universal respect for an observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion". Such a formula would have to be generally acceptable to the members of the United Nations. It would not be enough to develop a perfectly credulous a priori formula which would not be accepted by the United Nations members, whatever effect it may have on acceptance by the United Nations. Such a formula would not necessarily have to reconcile the irreconcilable.

The CHAIRMAN: Would you give us an example?

The WITNESS: I take it there is some fundamental distinction between such community philosophy as there might be in the western world as against the philosophy which prevails behind the iron curtain. It is a difficult matter to reconcile those things but on the other hand, as it may become apparent, it may not become necessary—indeed I do not think it is necessary to proceed effectively in this field—to attempt to reconcile the irreconcilable. For practical purposes what is necessary is a two-thirds majority in the General Assembly of United Nations. It must be acceptable to two-thirds of the members of the United Nations.

Hon. Mr. GOUIN: Do you think it is too optimistic to say that even between what we would call the western world and the eastern world, for lack of a better distinction, on that which is the same in theory we might be able to find common ground. There are for instance three fundamental principles of the French revolution which I shall express in French, liberté, égalité and fraternité. I am rather inclined to believe those expressions are just as acceptable to Moscow as they are acceptable in Paris and throughout the English speaking world. The interpretation of those three single words might give rise to different philosophy but my own suggestion—if I may very modestly make a suggestion—would be that we try in good faith to discover what I would call common ground. It would be rather academic I admit, but I think it would be rather a good start.

The WITNESS: No one would be happier than I if it were possible. I think it is a laudable end but there are certain obvious difficulties which need not necessarily be faced before the document would receive the necessary majority in the United Nations. I would not wish to close the door on any philosophical synthesis but as I have mentioned there seem to be some objections which these gentlemen foresee.

Mr. STEWART: Liberty to us might mean allowing our political opponents to exist but to others it might mean liquidation of those opponents.

The WITNESS: I do not think what I have said is germane to the main thread of what I was about to say.

By Mr. Hansell:

Q. Before Mr. Hopkins goes on I understood him to say these great principles of human rights and fundamental freedoms have in reality not yet been determined? Is that what I understand?—A. They have been determined in various ways by various philosophical and moral systems.

Q. Yes, but the signatories to the charter signed the charter with their own particular understandings?—A. That is right.

Q. With respect to human rights and fundamental freedoms?—A. Yes sir.

Q. They may, in reality, differ in their various opinions.—A. Yes.

Q. My next question is would it not be basic for each of the signatory nations to define those expressions in their own way before there could be an understanding as to what they meant?—A. I entirely agree. The task of any United Nations body endeavouring to determine what is generally acceptable would be enormously facilitated if the committee or commission had before it the considered views, of the member states of the United Nations.

Q. I rather gained the impression while Mr. Riddell was speaking that there would be some truth in the statement that we are putting the cart before the horse. In other words the various committees and commission of the United Nations are drafting documents, declarations, bills, or whatever you want to call them, while we are sitting here attempting to do the same thing. It appears to me that we, in reality, are expecting to endorse that which is only now being done and that is why I say it seems to me that basically, before we can go any

further at all, each nation will have to determine its own definition of those principles. Otherwise we are going to have draft bills put on our doorstep for approval when we do not know what they mean. I think you understand what I am getting at, Mr. Hopkins?—A. I not only appreciate what you say, sir, but I must say that I agree with you in very large part except for this. It is useful to have working papers to enable any body of people to clarify their own minds on a subject. It is always easier to deal with concrete papers than it is to start with nothing and work from that point. I would say myself, and Mr. Riddell can correct me if I am wrong, that these papers are before the committee but you are not in any sense asked to adopt them holus-bolus, but rather they are to be considered as an a priori document for concrete comment in the light of the Canadian understanding. In my next paragraph I was about to make further observations along those lines but I welcome the intervention.

By Mr. Marquis:

Q. Do you think as working papers it would be better to have four or five general principles which we could discuss as a basis for human rights, instead of having many, many, regulations which are rather contentious and cannot cover the general object at which we are aiming?—A. I quite agree that the more complex the document the more difficult is the task of the committee. This document is pretty complex and it is difficult to formulate views on the adequacy of the particular provisions, but it does happen that this document has been churned up in the United Nations by the appropriate body. We might wish to have this before us in some other form, but this is the form that happened to be used.

Q. Yes, but as a supplementary question, if the commission had submitted the general principles upon which they could agree we could have discussed it more effectively?—A. Yes, perhaps we could have discussed it more effectively but some countries, not all, have agreed on the principles.

Mr. MICHAUD: Is this draft bill the unanimous decision of the eighteen countries who sat on the committee?

Mr. RIDDELL: The eighteen countries which sat on the committee have all subscribed to this document with certain reservations and comments which are contained in the report of the commission. What, in effect, has happened is that the eighteen countries have agreed the document should go forward subject to their privilege of objecting at the further stages of the discussion.

Mr. MICHAUD: In these eighteen countries you have Soviet Russia, the Ukraine Soviet Republic, and they have subscribed to this part of the bill have they?

Mon. Mr. GOUIN: If you will notice sections 17, 18, and 31, have been left practically in suspense, if I am not mistaken. I do not want to be critical but it is not correct to say that they have been subscribed to. They have been subscribed to perhaps to the extent of ninety-eight per cent, but I see that three sections, 17, 18, and 31 are apparently left in suspension.

Mr. RIDDELL: Articles 17 and 18 to which you refer are the ones concerning freedom of expression and opinion, and these were referred to the conference on the freedom of the press.

Hon. Mr. GOUIN: Yes, a special conference.

Mr. RIDDELL: That conference has recently taken place and the draft articles then approved are to be placed in this document at those points. They are being considered in New York and will be considered at the later stages. I think copies of those draft articles have been circulated to the

members of the committee. In regard to the general question of the attitude of the member states towards this document it would be necessary to examine the comments on the draft articles which are given in the annexes.

Hon. Mr. GOUIN: It is at page 19 in our copy.

Mr. RIDDELL: The states which participated in the preparation of the document permitted it to go forward with certain reservations as to the attitude they would adopt before its final submission for approval. There may be cases where the articles were adopted simply by a majority vote of the commission and in that case, particularly if the minority included the members of the U.S.S.R., they would reserve their position very strongly for later consideration. It would not be correct to say this document has full approval of the eighteen members of the commission on human rights.

Hon. Mr. GOUIN: At page 29 we have added the U.S.S.R. representation which expressly reserves the right to present at a later stage of the work a Soviet declaration on human rights.

Mr. RIDDELL: That is correct.

Mr. MASSEY: To ask a very naive question? In view of the discussion, what possible contribution can the deliberations of this committee make at the present time? Are we not premature?

The WITNESS: I was about to deal with that aspect in the succeeding parts of my submission.

Hon. Mr. CRERAR: Is there any prospect in the foreseeable future that there will be a grand finale to this thing?

Mr. RIDDELL: As I suggested the hope was that a document on which action might be taken could be presented to the General Assembly of the United Nations next September. My own opinion is that this is optimistic. It is possible that the declaration which, as Mr. Hopkins will indicate, is not of a binding character, could be submitted. It may be in a position where it can be considered for adoption at the next session of the assembly, but even that is optimistic.

Hon. Mr. CRERAR: Do you think it would be practical or possible to have the United Nations agree on a bill of human rights and fundamental freedoms at any time, in so far as we can now look ahead?

Mr. RIDDELL: I think it might be possible for a majority of the members of the United Nations to agree to such a document—to which they would subscribe and which they for their own purpose would regard as representing their views on the subject. It might be only in so far as the dissenting minority was concerned that the document would not be affective.

,ralsiiissnu. ,T7g8go

Hon. Mr. CRERAR: Your idea is it would be dependent upon the opinion of the respective countries?

Mr. RIDDELL: It would depend on the form in which the document was prepared. If it was a declaration it would not place the same obligation upon those countries as if it were a covenant.

Hon. Mr. CRERAR: I presume there would be reservations there also?

Mr. RIDDELL: Yes.

Hon. Mr. CRERAR: It does seem to me, Mr. Chairman, that at this moment we are flailing the air as far as any decisions to which we can come on this matter are concerned. You have got the various committees and commissions of the United Nations working on these reports. The commissions thrash them out in the shape of a submission for the United Nations Assembly, but I would very definitely say it would require a great deal of optimism to imagine that any positive action could be taken for some time to come.

Mr. MASSEY: May I ask what official action has been taken by other government bodies—action such as we are taking here, meeting in committee and so on? There are eighteen nations involved and what action is being taken other than the action being taken in the United Nations?

Mr. RIDDELL: As I suggested the document has been referred to all fifty-seven members of the United Nations for consideration of their governments. To date replies have been received from only five states—Pakistan, Canada, The Netherlands, Australia, and the United States.

Hon. Mr. BOUFFARD: What has Canada said?

Mr. RIDDELL: The Canadian reply was simply an interim report stating that the Canadian government was not prepared at this stage to express a view on the subject. The document is now in process of formation and I think the only importance of comments from other states at this time is that if a government wishes to influence the character of the document it is easier to do so influence it at an earlier stage than at a later stage.

Mr. STEWART: Senator Crerar a moment ago in his questions took the same pessimistic outlook as he took last year. I am quite sure that pessimistic outlook has been present in all meetings of mankind since Plato and Aristotle and in days before. I do not think there is any reason why we should not do our best and do our share towards the formulation of a code of human rights for the world at large. I think we can do it. We know that it is possible to raise straw men and to knock them down, but our main task is to get down to an understanding. Let us agree on what we in Canada will do, and let our influence be felt in the United Nations.

The CHAIRMAN: Perhaps Mr. Hopkins you could continue with your suggestions as to what the committee might advantageously do?

Mr. BEAUDOIN: Perhaps before Mr. Hopkins goes on he could enlighten the committee as to the procedure which has been followed right from the start, in order that everyone will understand.

Some Hon. MEMBERS: That has been done.

Mr. BEAUDOIN: If that is so, it seems to me that that has not been done adequately; at least, judging by the questions which have been asked by the members, I do not think it has been done. What are these working papers which are now before us; and what will their usefulness be? What we are concerned with now is a discussion of what Canada is going to do with regard to the decision she will make later when it comes to the matter of recommendations. It seems to me that we are dealing with the recommendations which have been made to us by the United Nations Commission which grew out of the Economic and Social Council. I think that Mr. Riddell and Mr. Hopkins should say what the Economic and Social Council is and what it is called upon to do in connection with settling this question of human rights. I understand it set up a human rights commission which has laboured for two years in drafting this report, and that this represents the best effort they have been able to arrive at as a result of their discussions. And I understand that this report later on will be submitted to the General Assembly of the United Nations; and I also understand that we are not in any way bound by the contents of this document; that we are here to discuss certain suggestions which may be submitted later on by Canada. And, certainly, Canada as a member of the United Nations may be called upon to make up its mind as to what provisions this draft bill shall contain.

The CHAIRMAN: Order, please.

Mr. RIDDELL: It seems to me that Mr. Beaudoin has himself given a very good account of the position in regard to these papers at this particular moment.

Hon. Mr. GOBIN: We will hear from Mr. Hopkins.

The WITNESS: Mr. Chairman, what then are the essentials of the problems before the Canadian government and before this committee arising out of the reference of these working papers by the appropriate organ of the United Nations? As I understand it—and again I hope I will be forgiven for expressing my personal views because I do not think there are any official views which I could express—the first question is, to what extent are the principles expressed in the present working papers generally acceptable to the Canadian people as an International Bill of Rights? If it is possible to provide satisfactory answers to this question it would be useful, in my view, to transmit these views to the United Nations at as early a stage as possible in order that those Canadian views might have their influence and effect upon the documents which may be produced. In so stating, I am not unaware that projects of the kind under consideration have an academic air in the face of the harsh political and economic realities of the international situation. Nevertheless, we should probably not be deterred by the contemporary political difficulties from a consideration of the long-term objectives of the United Nations.

"Human rights and fundamental freedoms" have not yet been the subject of public international law on any important scale. International law has been concerned primarily with the rights and duties of states in their relations between themselves. However, there has been a tendency in international law, particularly conventional international law, to direct attention to the individual, his rights and responsibilities—and by that I mean international law derived from multilateral agreements or treaties. The provisions in the charter concerning human rights provide a further illustration of this. And it might be useful to have before the committee at the same time material which has been prepared by Doctor Yen Ling.

Hon. Mr. GOUIN: I think we ought to have a copy of that.

The WITNESS: Since this is a manifestation of a certain trend in the direction of concentrating some international attention on the individual as distinguished from dealing exclusively with relations between states, I am not sure that it will be particularly relevant, but it is for the committee to say whether it should look at it or not.

As I mentioned, that is the first question before the committee, as I would conceive it; to assess the general acceptability of the present draft to the Canadian people. There remains a certain question which is related to the first; namely, whether there are objective tests or standards upon which answers to the first question can fairly be based. I respectfully suggest, Mr. Chairman, that the following might be regarded as useful sources:

(a) The state of the law of Canada, constitutional, public and private in relation to the questions now under review. The Department of Justice is of course the competent department to advise the committee in this field and Mr. Varcoe, the Deputy Minister of Justice, I think appeared before your joint parliamentary committee on this same subject a year ago.

(b) The historic documents which bear upon constitutional understandings and practice in Canada.

Most of those documents were referred to and included in the proceedings of the committee last year.

(c) Distinguished authorities on political, constitutional and juridical subjects relating to human rights;

(d) The debates in the Parliament of Canada and in respective provincial legislatures.

I have not mentioned these sources in any order of significance. No doubt other sources will occur to the members of the committee. Perhaps, also, the committee will take a somewhat different and less pragmatic view of the problems

than I do. It is for this reason I again emphasize I am speaking personally. I would add that the views of this committee, itself, would seem to me to be of the highest importance.

Finally, the question which the committee may wish to consider turns on the distinction between the draft declaration and the draft covenant to which Mr. Riddell has made reference and which form the principal part of the working papers now before the committee. The distinction between these documents has already been made by the chairman in the House of Commons. The declaration would not have an absolute juridical force if it were adopted by the General Assembly as a declaration.

The General Assembly is empowered, under article 10 of the charter, to make recommendations and it is under this article of the charter that the declaration would gain its effect. It would, therefore, have the character of a recommendation and what lawyers call a persuasive value. It would not create binding and positive legal obligations.

On the other hand, the covenant would be arrived at something like this: the Economic and Social Council would recommend, if it so decides, to the General Assembly the adoption of the covenant. The covenant would then be submitted to the individual states, the members of the United Nations, for ratification. Upon ratification, in accordance with the terms of the document, binding obligations in international law would be assumed by the ratifying states. It would be necessary, in international law, to enact legislation, in so far as there was any material difference between the text of the covenant and the state of the law in Canada or any other ratifying state.

It is for the committee to consider but it seems to me that logically as well as chronologically, the elaboration of the declaration on international freedoms should precede the formulation of the covenant or convention. The United Nations should, in my view, proceed in this manner unhurriedly and with due care and circumspection. The declaration, which attempts to set out the general understanding of the expression "human rights and fundamental freedoms," if and when it commends itself to a substantial majority of the members of the United Nations, ought to be thoroughly tested in experience where its adequacy may be properly assessed.

If, as a result of this testing, the declaration proves itself generally acceptable, it would seem to me to be the work of jurists to bring this statement of aspirations to perfection in the form of a treaty or convention, if this were then considered desirable. There is, in the United Nations—I do not know whether this has been brought out before the committee previously—in immediate contemplation though not in being, a body of legal experts which would be competent or which would be the most proper United Nations body to translate the principles of any agreed declaration into the terms of a positive convention or covenant. I refer, Mr. Chairman, to the International Law Commission which is a body of legal experts to be appointed by the General Assembly in a similar manner as the Judges of the International Court of Justice, at its next meeting to be held in Paris, France, in the beginning of September, 1948. The functions of this body would be to assist the General Assembly in its obligation to encourage the progressive development and codification of international laws.

It seems to me, therefore—I realize it is a bit gratuitous for me to advise this committee in this matter—

Hon. Mr. GOuin: On the contrary, we are delighted to get your views, Mr. Hopkins. Perhaps we are not bound to accept them, but you should not be too shy in putting your views forward.

Mr. HOPKINS: It seems to me that the committee should concentrate its attention on the declaration as being of more immediate importance, leaving until a later stage the consideration of any possible convention which might flow from the declaration.

It is in the foregoing context, Mr. Chairman, honourable senators and members, that Mr. Riddell and myself stand ready to contribute what we can to the work of this committee. Our remarks should be construed as efforts to stimulate discussion rather than to provide ready-made answers to the questions which may be raised.

Hon. Mr. GOUIN: If you allow me, I should like to congratulate Mr. Hopkins on his very fair exposé. So far as I am concerned, I must say I am delighted to receive his suggestion because when we first convened the committee last year, I must say, I was terribly pessimistic. I was afraid we could not achieve anything due to the constitutional difficulties. The constitutional difficulties, it seemed to me, made our task almost impracticable. However, the suggestion which has just been made that we begin by studying the declaration is, after all, quite a practical solution.

The question of the division of jurisdiction is a difficult problem. However, if we examine the covenant, from almost the first section of the covenant we are confronted with that difficulty. We would be passing an Act which, in my humble opinion, would be clearly ultra vires if we were to accept that part of the covenant.

On the contrary, the declaration, as I look at it is, in a certain sense, almost only a development of the three fundamental principles which I quoted a few minutes ago, liberty, equality and fraternity. If we could agree on some general principles, I think we, as Canadians, would have achieved something and would be offering a real contribution, I admit of a somewhat academic nature, but we would be offering a real contribution to the United Nations.

For these reasons I wish to congratulate very, very sincerely, Mr. Hopkins. So far as I am concerned he has removed from my conscience a problem which was sincerely troubling me. Now, I believe we can get somewhere.

Hon. Mr. BOUFFARD: It seems to me we have an order of reference which is as follows:

That it is expedient to appoint a joint committee of both Houses of Parliament to consider the question of human rights and fundamental freedoms, and the manner in which those obligations accepted by all members of the United Nations may best be implemented.

Now, according to my understanding, the United Nations formed some kind of committee which was called the Economic and Social Council which, within itself, has formed another committee on human rights. To start the ball rolling, if I may express myself that way, this committee has made a draft which is not yet completed. This draft will be submitted within a short time or as short a time as possible, to the council. If it is adopted by the council, it will then be submitted to the United Nations General Assembly. It is only at that time that Canada may see what can be done and whether Canada wishes to implement either the covenant or the declaration on human rights.

At the present time, I believe the committee is only inviting the nations to comment on the work the committee has done up to the present time. I wonder, Mr. Chairman, if we have the authority within our terms of reference to comment to the United Nations on whether we agree with each of these articles which the committee has drafted. It seems to me we have no right to do such a thing. It is not within the terms of reference of this committee. I do not think we have the right to comment on the declaration on human rights drafted by the committee of the Economic Council of the United Nations.

Mr. MARQUIS: Could we not make a report to the House and the government may send to the committee on human rights the decision taken by this committee as reported to the House?

The CHAIRMAN: The Government of Canada has been asked to make its comments. The Secretary of State for External Affairs wrote me and suggested that these matters be laid before the committee, I think under the impression it was incidental to the terms of reference to have the committee express its views or discuss what those comments ought to be.

Hon. Mr. BOUFFARD: And report to the government?

The CHAIRMAN: Yes; and report, technically, as a committee to the House of Commons.

When it comes to a question as to what this committee will do in assisting the government in making its comments, a question of procedure will arise as to whether the committee will vote on each of these suggestions or whether the members of the committee will simply express their views on each of them. Those views would be taken down, and the committee would refrain from passing any motion or any resolution because I, like the senator, believe it is not within terms of reference of the committee to decide what position Canada shall take. I do not think it is for the committee to decide that.

However, I do not think, if there is to be any legislation at any time, and the government has to take a position at any time, I should think it is within the terms of reference for the committee to give the government any assistance it can in the way which is most practical. I think I will suggest a little later, when we are going over these working papers clause by clause, that we discuss each one and that the members point out the dangers, if they see dangers; suggest improvements if they think of improvements, and that all that be taken down, so that the comments of the members of the committee would be given full consideration by the government.

In this way, I think we have a much more intelligent expression of opinion as to what is likely to be acceptable to the Canadian people as a whole, than if something were worked out in the offices of the Department of External Affairs of the Department of Justice. Now, that is my conception of the functions of the committee, here.

Mr. MILLER: Are we to understand from Mr. Riddell that this declaration is again under consideration by the commission at Lake Success and, if so, what changes, if any, does he know are being made to this declaration now?

Mr. RIDDELL: The commission began its meetings only yesterday, and it will be some time before we know whether or not they are suggesting substantial changes in this document.

Hon. Mr. BOUFFARD: There will be substantial changes?

Mr. RIDDELL: I doubt if there will be very great changes at the next stage. We will get reports daily on these proceedings in New York.

The CHAIRMAN: Am I right in this, that the Economic and Social Council will make recommendations to the United Nations on the contents of this declaration; is that correct?

Mr. RIDDELL: Yes, sir, it will present a report to the General Assembly of the United Nations on the result of the discussions.

Mr. HOPKINS: If it can reach agreement.

The CHAIRMAN: Canada is a member of the Economic and Social Council and that is the first place where Canada, officially, will be able to express itself in the United Nations. Before that, all Canada will do is make suggestions about the drafting. The government will send in certain recommendations which may be changed later on consideration, I suppose, but Canada, as a member of the Economic and Social Council, will have an opportunity of expressing its views there. The views we express would likely be in the light of what Canadian people generally feel on the subject and there is no better place to get expression of that feeling than through a joint parliamentary committee such as this.

Mr. RINFRET: Is there any intention of defining the terms used in the declaration of rights? Take the word, "liberty" for instance. Is there any intention of defining what liberty is? I do not know that my interpretation of liberty is the same as that which has been put on paper, here. I am not sure it will agree with the Russian definition of liberty, either.

Mr. RIDDELL: I think the point which the honourable member has raised is one which comes up whenever an attempt is made to define human rights and fundamental freedoms in this manner. I do not think any attempt will be made to define the terms except perhaps by extension of a particular article, itself.

Mr. RINFRET: Would the definition of liberty in article 4 of the declaration be the same as article 8 of the covenant, for instance? Is that all that liberty means?

Mr. RIDDELL: I am quite certain, Mr. Chairman, that there will be differences of interpretation on the part of the people who support these documents which will become apparent—

Mr. RINFRET: So, two persons will sign the document without knowing what the other thinks liberty is?

Mr. RIDDELL: It is possible.

Mr. MILLER: Would not Mr. Hopkins be inclined to say, perhaps, if the nations subscribe to such general documents with these conflicting and undetermined views, it might only be a vehicle for dissension rather than agreement? Is it fair to ask him to give an opinion on that?

Mr. HOPKINS: I would say, Mr. Chairman, that would entirely depend on the nature of the document. I think it would be most helpful if comments or suggestions of the several states were made to assist the United Nations in attempting to prevent that. However, there is danger of that, yes.

Mr. HAZEN: Five nations, I understand, have made some reply to the receipt of this document to the committee. One of those nations is Canada. Are you in a position to tell us what reply the United States government made?

Mr. RIDDELL: Yes, sir, it is contained in a document which, I think, has been given to the committee. It is an Economic and Social Council document entitled, "Comments from governments on the draft International Declaration on Human Rights". The United States comments are fairly extensive and are contained at page 7 of this document, which is E/CN/82. I believe that this document has been circulated to the committee.

The CHAIRMAN: These documents have not been circulated, but they will be. They are very recent. The Netherlands comments are very extensive and, I presume, very good.

Mr. HAZEN: It might be helpful if we had those.

The CHAIRMAN: They are very recent documents and the clerk of the committee showed them to me yesterday.

Hon. Mr. GOUIN: On page 21, we have some comments from the United States. I do not know if this is the same document as the one to which you are referring.

Mr. RIDDELL: These are comments which were made by the United States member of the commission at the time the document was prepared. These other comments to which I am referring are the formal comments of the United States government on the document when it was referred to the government. I should like to quote one sentence from this comment.

The basic difficulty which the government of the United States finds with both the draft declaration and the draft covenant is that they are too long and complex effectively to accomplish their purpose.

That is a very general comment. There are more detailed comments, clause by clause, on the document.

Mr. HAZEN: I note on page 19 of this document which we have from the Economic and Social Council it states that,

The representative of Australia expressed the view, with which the representative of the United States associated herself, that the language of the articles of the declaration is confused in that it is both declaratory and mandatory. He felt that as it had been agreed that the declaration imposes no legal obligation and requires no measures for implementation, it should be drafted in declaratory form only, or in the present indicative sense.

Now, are there any comments on that article or about that comment which I have just read?

Mr. RIDDELL: It would be difficult for me to say, offhand, whether that comment is repeated in these comments which have come from the United States government. I think it is the intention, now, to take comments of that nature and the subsequent comments which have been made and see to what extent the document should be revised in a way which will take account of those.

Mr. MICHAUD: Following this remark, I note on page 21 of this document that the United States submitted a shorter declaration containing 11 articles instead of the 33 in the original declaration. It is more concise.

Mr. HACKETT: Before we proceed any further do you think there is any merit in the suggestion that the clerk be asked to keep a list of the documents that are circulated much like a list of exhibits in a law suit? If that were done it would simplify reference to them and enable everybody to have a full list.

The CHAIRMAN: Yes.

Mr. MICHAUD: Refer to them as exhibits A, B, and C.

Mr. HACKETT: We could refer to them in that way and keep a list before us, and it would facilitate reference and cross reference.

Hon. Mr. GOUIN: I think it is an excellent suggestion. It would be very useful if we could have a list made up to date because I know myself I have already several dozens of documents, and when we want to refer to them we do not know how to describe them.

Mr. HACKETT: If we had a common nomenclature and number it would be more satisfactory.

The CHAIRMAN: Committee document 1, committee document 2, and so on.

Mr. MARQUIS: I should like to put a question to Mr. Riddell. Suppose that the declaration on human rights is brought before the commission on human rights where Canada will be represented, and that this declaration is carried by a majority vote but Canada votes against it.

Mr. MICHAUD: Canada is not on it.

Mr. MARQUIS: Canada is not on it?

Mr. RIDDELL: It is not on the commission but Canada is on the Economic and Social Council.

Mr. MARQUIS: And on the Economic and Social Council Canada votes against it, but it is adopted by a majority vote. After that it is referred, if I understand it correctly, to the organization of the United Nations.

Hon. Mr. GOUIN: The General Assembly.

Mr. MARQUIS: And if it is accepted in the general assembly by a majority vote will this charter on human rights bind Canada?

Mr. RIDDELL: No, sir. The actions of the General Assembly of the United Nations constitute simply recommendations to the member states.

Mr. MARQUIS: If it is adopted by the Economic and Social Council by a majority vote will Canada be bound by that vote if we vote against it?

Mr. RIDDELL: No, sir.

Hon. Mr. BOUFFARD: It would only be binding if they signed the covenant.

The CHAIRMAN: That is right, but we have tried to maintain the position in the United Nations that once a recommendation is made by a two-thirds vote of the United Nations that we will abide by it even though we voted against it. We have tried to maintain that position. I do not know whether or not we have maintained it 100 per cent, but we have voted against resolutions at the United Nations, and once they were passed by a two-thirds vote, even though they had no juridical force, even though they were merely recommendations, we proceeded to comply with them.

Mr. MARQUIS: It is possible to make an exception if certain rights are involved and we have to protect them?

The CHAIRMAN: Yes, but our position has been that if the moral force of the United Nations is to be preserved there must be some subordination of national issues to the expressed wish of the United Nations. My view was, therefore, that we should be very careful about the resolutions that the United Nations passed for that reason, that we should not put up to nations impossible or very difficult things to do because otherwise you would have so many nations refusing to comply with recommendations of the United Nations that they would lose their effectiveness; they would become uninfluential. Canada has made quite a point of respecting that two-thirds vote of the United Nations even when she voted the other way.

Mr. BEAUDOIN: Does that apply also to the majority decision?

The CHAIRMAN: Not so much. Majority decisions are on important matters. Any important matter has to be passed by a two-thirds vote.

Mr. MICHAUD: May I ask the chairman if other countries have adopted a similar attitude to Canada on this point?

The CHAIRMAN: Some have and some have not.

Hon. Mr. GOUIN: There is a remark I should like to make very much. Suppose for one instant that the covenant in its present form is adopted by the General Assembly. I am absolutely convinced that the greater part of it could not possibly be implemented by the dominion government because in my own humble opinion—I may be utterly wrong—the greater part of it is a purely provincial matter.

The CHAIRMAN: The covenant has a clause in it which says in the case of federal states it only binds the federal authority to the extent of its constitutional jurisdiction.

Hon. Mr. GOUIN: To a great extent it would become an empty gesture. To put my cards on the table, the declaration appeals to me very much, but the covenant does not for the reason which we have just discussed. We would not be getting anywhere from a practical point of view, but I am very much in favour of principles, and I think we can have a very useful discussion on principles.

Mr. MILLER: Once it is passed by the Assembly we have already said that we will follow anything that the Assembly does, have we?

The CHAIRMAN: No.

Mr. MILLER: Is there ratification also?

The CHAIRMAN: No.

Mr. HOPKINS: Just of the covenant.

Mr. MILLER: We sign the covenant?

The CHAIRMAN: You are speaking of the declaration?

Mr. MILLER: No, of the covenant. If we sign that covenant—

Mr. MICHAUD: The covenant would have to be approved by an Act of parliament.

The CHAIRMAN: Yes. The practice has been ratification by parliament.

Hon. Mr. TURGEON: For purposes of clarification am I right in saying the answer to Mr. Marquis' question is that the action by the United Nations, no matter how near it is unanimous approval of the covenant itself, does not become binding on any member nation until the member nation has signed and has ratified the covenant?

The CHAIRMAN: That is right.

Hon. Mr. TURGEON: That is the answer to the question.

Hon. Mr. BOUFFARD: And only in so far as the federal parliament has jurisdiction.

The CHAIRMAN: Yes.

Mr. BEAUDOIN: Some reference has been made to opinions voiced by representatives of several nations in this document. Is it not so, Mr. Hopkins or Mr. Riddell, that the opinions expressed here by representatives of nations on this working committee on human rights do not necessarily represent the views of the country they represent?

Mr. HOPKINS: That is right. They put forward these working papers in effect without prejudice to their ultimate view.

Mr. BEAUDOIN: In other words, the views expressed by the Australian representative on this human rights committee do not necessarily represent the views of the Australian government. Probably they are very close to the view of the government, but the only final view of the Australian government will be when a decision has to be taken in the Assembly?

Mr. HOPKINS: Yes.

Mr. MICHAUD: Nevertheless the views expressed by the members of the United States committee seem to correspond with the views expressed by the government of the United States, as we have heard from Mr. Riddell a moment ago.

Mr. HOPKINS: Yes.

Mr. HACKETT: That is because they choose their delegates.

Mr. MARQUIS: I presume there are many countries like Canada which have a federal government and legislatures, and their respective jurisdictions. I do not know if we could draft a declaration which could suit federal governments within their own jurisdiction and powers.

Hon. Mr. BOUFFARD: You will not get much.

Mr. MARQUIS: Perhaps you will not get much, but we will get only what we can get.

Mr. STEWART: Surely we can always accept this declaration of the United Nations in the same way we accept the Ten Commandments, another aspiration.

Hon. Mr. GOUIN: I am terribly sorry. I did not understand your remark.

Mr. STEWART: I said that we can accept this declaration in the same way we accept the Ten Commandments, as an aspiration.

Mr. MARQUIS: If it were the Ten Commandments it would be all right.

The CHAIRMAN: If a declaration was made by the United Nations and Canada voted in favour of that declaration that was so made I would think continually when we introduced legislation in the House of Commons or in the Senate of Canada you would have members who would get up and say, if the

legislation did depart from the declaration, "This legislation is faulty. It departs from that declaration." The declaration has a continual living binding effect upon your federal legislation, and in all probability it would have some effect on provincial legislation, too. As I understand it that is what Mr. Hopkins means by the persuasive force of a declaration. It may be as far as the country will ever go. It may be they will never enter into a covenant. A nation must be pretty careful about entering into a covenant, of course. It is not too pleasant to have yourself impeached as a violator of a covenant by other nations, and have to argue your case out before a tribunal consisting of all the nations of the world, but the declaration might have a very real and beneficial effect upon legislation in your own country.

Mr. HOPKINS: If you will excuse me, it is about time for me to go.

Hon. Mr. GOUIN: Are there any other questions of Mr. Hopkins because he is obliged to leave?

The CHAIRMAN: Thank you very much, Mr. Hopkins. I think all members of the committee appreciate your attendance. If we have time I think I should present the first report of the steering committee. Will you read that?

The CLERK:

FIRST REPORT OF STEERING COMMITTEE

WEDNESDAY, April 28, 1948.

Your Steering Committee having considered future procedure, recommends the following as a preliminary step in the work of the Committee:

1. That the Order of Reference to the Committee be divided into the following three headings for consideration by the Committee:

(a) To consider the question of human rights and fundamental freedoms, and the manner in which these obligations accepted by all members of the United Nations may best be implemented;

And, in particular, in the light of the provisions contained in the Charter of the United Nations, and the establishment by the Economic and Social Council thereof of a Commission on Human Rights;

(b) What is the legal and constitutional situation in Canada with respect to such rights;

(c) And, what steps, if any, it would be advisable to take or to recommend for the purpose of preserving in Canada respect for the observance of human rights and fundamental freedoms;

and that they be considered in the order (a), (c) and (b).

2. That with respect to heading (a) the Committee give immediate consideration to the Draft International Declaration on Human Rights forwarded to the Government by the Secretary-General of United Nations with a view to recommending whether Canada should subscribe to such a declaration and, if so, whether in the form submitted or in some other form.

3. That consideration be given to the Draft International Covenant on Human Rights and the Suggestions for Implementation forwarded to the Government by the Secretary-General of United Nations, but that such consideration be deferred at least until it is known what disposition is to be made of these documents this year by United Nations and, if possible, until headings (b) and (c) have been considered by the Committee.

4. That officers of the appropriate agency of United Nations and of the Department of External Affairs be called to advise the Committee as to the significance and effect of the Declaration, Covenant and Implementation provisions and as to the proposed disposition of these documents by United Nations.

With reference to the hearing of Mr. J. P. Humphrey, Secretary, Commission on Human Rights, it is learned that his duties will not permit him to come to Ottawa at this time. This question will be reviewed at a later date.

It is recommended that the Committee now proceed with the hearing of Mr. R. G. Riddell, First Political Division, and Mr. E. R. Hopkins, Legal Division, Department of External Affairs, in relation to paragraph 4.

Your Committee also took note of the following:

- (a) Consideration of communications received from deans of law schools and provincial attorneys-general in reply to the following questions submitted to them by last year's Committee, namely, "The power of the Parliament of Canada to enact a comprehensive Bill of Rights."
- (b) The hearing of representations from interested organizations.
- (c) Senator Roebuck's suggestion, namely, that the Steering Committee take under consideration the question of inviting the provinces to co-operate in the procedure by which a bill or declaration of rights may be attained.

It was agreed that a decision on these questions should be deferred for the time being.

It was also agreed that subsequent procedure be reviewed from time to time by the Steering Committee as the work of the Committee progresses.

All of which is respectfully submitted.

Mr. MICHAUD: There is a question I should like to ask.

Mr. HACKETT: Just a minute. Is that carried?

The CHAIRMAN: Will someone move the adoption?

Hon. Mr. TURGEON: I move the adoption of the report of the steering committee.

Hon. Mr. BOUFFARD: I second that.

The CHAIRMAN: Is there any discussion?

Mr. MICHAUD: There is a point I should like to clear up. At the top of page 2 reference is made to Mr. J. P. Humphrey, Secretary of the Commission on Human Rights. That does not mean he is secretary of that international commission? He is our representative, the Canadian representative there?

The CHAIRMAN: No, he is not a representative of Canada at all. He is the secretary. He is a United Nations official. He is a Canadian.

Mr. HACKETT: He abandoned the chair at McGill to accept a position with the United Nations.

The CHAIRMAN: Is there any further discussion on this report?

Carried.

If that is carried, I presume at the next meeting we will, following this recommendation of the steering committee, have to address our attention to this declaration of human rights.

Hon. Mr. TURGEON: What did you say?

The CHAIRMAN: Following the report of the steering committee, we will have to take this declaration of human rights and go through it. The question as to how we shall go through it we shall settle then. I am going to suggest that, instead of undertaking a vote and carrying it item by item as we do the

sections of a bill, that we read it and the members express their views individually as to the dangers in it; as to the possible changes that should be made in it and, after there has been sufficient discussion, to go on to the next item. I shall suggest that.

Mr. HACKETT: I think that is an excellent suggestion for at least this phase of the work. Undoubtedly, in a discussion of this kind there will emerge a few questions which will be highly controversial and, I think the suggestion of the chairman is a very wise one in dealing with questions of this kind. It will enable us to see the question in its entirety before we attempt to deal with the details which are bound to be controversial. I should like to move that the chairman's suggestion with regard to procedure be accepted.

The CHAIRMAN: It has been moved by Mr. Hackett—

Carried.

Mr. HACKETT: I think, Mr. Chairman, as a prelude to the reading of this document it would be very helpful if the members of the committee could have some assurance they are in possession of all the available material. Therefore, if the clerk would make up this list and distribute it, we could then verify what information is lacking from our respective records.

The CHAIRMAN: Before the next meeting, what I intend to do is read the comments of the Netherlands and the United States governments on this declaration of rights.

Hon. Mr. TURGEON: They will be circulated in the meantime?

The CHAIRMAN: They will be in the mail tomorrow. Thursday afternoon is the next meeting. Will that be too soon?

Hon. Mr. GOUIN: Next Tuesday would be the earliest date for the next meeting.

The CHAIRMAN: Very well; next Tuesday at the same hour, we will have our next meeting.

Hon. Mr. TURGEON: I move we adjourn.

The CHAIRMAN: The committee is adjourned.

The committee adjourned to meet again on Tuesday, May 11, 1948, at 4.00 p.m.

